

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT G. WYCKOFF	)	CIVIL ACTION NO. 00-2248
	)	
Plaintiff,	)	DONETTA W. AMBROSE
	)	
v.	)	CHIEF JUDGE
	)	
METROPOLITAN LIFE	)	
INSURANCE COMPANY	)	
AND KENNETH F. KACZMAREK	)	
	)	
Defendants.	)	

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**PLAINTIFFS' PROPOSED TRIAL EXHIBIT LIST**

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1. Computer prepared illustration for Policy No. 915 409 338 M that indicated a thirteen or fourteen year vanishing premium arrangement (Bates No. RGW000004-5);
2. Metropolitan Life Policy No. 915 409 338 M, dated June 27, 1991, a \$10,000.00 face amount Whole Life policy with an automatic premium loan provision (Bates No. RGW000017-37);
3. Letter dated August 7, 1991, from Metropolitan Life to Robert Wyckoff welcoming Mr. Wyckoff to the check-o-matic arrangement for Policy No. 915-409-338-M for the premium of \$73.20 (Bates No. RGW0000010);
4. Audio tapes of William Wyckoff's Deposition;
5. Metropolitan Life Whole Life Policy No. 945-600-948-M in the amount of \$4,500.00 dated August 2, 1994 insuring the life of William G. Wyckoff (Bates No. RGW000001-16);
6. Letter from Ted Athanassiades, President and Chief Operating Officer of Metropolitan Life to Robert Wyckoff thanking him on behalf of the MetLife family of companies

and representative Kenneth Kaczmarek for choosing MetLife to help him meet his insurance and other financial services needs. (Bates No. RGW 000043);

7. Metropolitan Life Illustration prepared on July 29, 1994 for Policy No. 945-600-948-M; (Bates No. RGW000047);

8. Robert G. Wyckoff's check no. 0780 dated June 24, 1991, in the amount of \$59.40 payable to MetLife, marked in memo line as 1<sup>st</sup> Insurance Payment; (Bates No. RGW000053);

9. Letter from Metropolitan Life dated July 31, 1991 to Robert Wyckoff regarding premium change; (Bates No. RGW000002-4);

10. Letter from Manager, Check-O-Matic Section of Metropolitan Life dated August 7, 1991, to Mr. Wyckoff welcoming him to the Check-O-Matic Arrangement and notifying him that the first check to be drawn will be dated August 12, 1991 in the amount of \$73.20 for Policy No. 915-409-338-M (RGW000052);

11. Metropolitan Life Disclosure statement; (Bates No. MP246100083-84);

12. Metropolitan Life Payment History for Policy No. 945-600-948-M; (Bates No. MP24610000086-120);

13. Deposition Transcript of William Wyckoff and all exhibits attached thereto;

14. Deposition Transcript of Kenneth Kaczmarek, Sr. and all exhibits attached thereto;

15. Account Representative Inquiry; (Bates No. Fantaski-MP2372000533);

16. Consumer Complaints against Kenneth Kaczmarek, Sr.; (Bates No. MP4011112753-13019);

17. Audit of Monroeville Branch, Metropolitan Life Office; (Bates No. MLPH3042281-2345);

18. Indemnity Agreement between Kenneth Kaczmarek, Sr. and Metropolitan Life; (Bates No. MP24610000348-351)
19. Kenneth Kaczmarek, Sr.'s Retired Representative Agreement with Metropolitan Life; (Bates No. MP2461001995-2032);
20. Kenneth Kaczmarek, Sr.'s file on William Wyckoff; (Bates No. MP2461001978-1994);
21. Letter dated November 7, 1992 to Thomas LaBadia, re: Reappearing UL premiums from Jim Rayl; (Bates No. MP4011071046-7);
22. Memorandum from Barbara Timpano (Bates No. M069700330372-378);
23. Documents Concerning Short Term Pay. Plan Illus. (APP) dated 2/4/80 - Bates MP4011149715 - MP4011149726;
24. Documents Concerning the APP dated 6/9/80 - Bates MP4011149687 - MP4011149692;
25. Memo Regarding Insert for APP dated 6/19/80 - Bates MP4011149681 - MP4011149681;
26. Release to Field force dated 8/20/80, re: Accelerated Payment Plan (APP) - Bates M109749230416 - M109749230417;
27. Publication Met Up-to-date 1980-4 = The Accelerated Payment Plan (APP) - Bates M109758200153 - M109758200160;
28. Re: Control of Accelerated Payment Processing -to Policyholders Svcs Managers from Richard Schramm, PI Admin&Information Svcs dated 9/5/89 = decentralization of AP Processing to individual head office admin offices - Bates M119766700164;

29. Re: Sales and Service Release - Accelerated Payment Plan - dated 12/12/80 - Bates M089716241756 - M089716241757;

30. Frank Dochniak's letter to T. LaBadia re: Accelerated Payment Plan (APP) Arrangements dated 10/21/1987 - Bates MP925000042170;

31. Thomas M. LaBadia's letter to A.F. O'Leary re: Accelerated Payment Plan (APP) dated 11/04/1987 - Bates MP925000042169;

32. Market Conduct Report of Metropolitan Life Insurance Company as of December 27, 1993 issued on February 11, 1994 by the Commonwealth of Pennsylvania Insurance Department; Bate No. MP4011102745-MP4011102961;

33. Report of Investigation into Sales Practices of Metropolitan Life Insurance Company issued on March 6, 1994 by the Florida Insurance Commission; (Bates No. MP4011167635-MP4011167815);

34. Connecticut Market Conduct Report of Metropolitan Life;

35. Harold Leff's letter to Branch Managers and District Sales Managers re: Accelerated Payment Plan and Financed by Inforce Policies dated 12/24/1987 - Bates MP925000004819;

36. Re: Accelerated Payment Plan (APP) Arrangement -release to Field Force dated 8/17/88 - Bates M099730840119 - M099730840120;

37. Letter to Rebecca Green re: One Payment Plan Using Paid-up Additions Riders (includes illustrations) dated 11/07/1988 - Bates MP925000042549-MP925000042551;

38. Letter to The Field Force Re: Mechanization of AP Arrangement Life Product Planning dated 03/13/1989 - bates MP0004002229 - MP0004002230;;

39. Accelerated Payment Cases eMail dated 11/05/1992 - Bates M109734760225"

"Letter from Jim Rayl to a Metropolitan Life Vice-President stating that: We cannot afford to leave policyholders with the impression that AP is a done deal - dated 11/07/1992 - Bates MP4011070961 - MP4011070962;

40. Letter from Jim Rayl to Tom LaBadia, a Metropolitan Life Director of Customer Services and Communications regarding Referrals to AP as Paid-Up dated December 7, 1992 bates MP4011071038;

41. Letter from Jim Rayl to David Martin, a Metropolitan Life Director of Customer Services and Communications to the Vice-President of the MidAmerica Territory regarding Referral of Accelerated Payment Plan as Paid-Up dated December 23, 1992 - bates MP4011071027 - MP4011071029;

42. Letter from Jim Rayl, a Metropolitan Life Director of Customer Services and Communications to another Customer Services Director, Kathy Schoos regarding Accelerated Payment Plan dated December 31, 1992 - bates MP4011071025;

43. APP Communications (proactive) letter dated 05/23/1993 - Bates M059701651054 .. M059701651056;

44. Wilhelmenia J. Taylor's letter to Greg Doby re: Accelerated Payment Plan dated 06/02/1993 - Bates MP925000042458 -MP925000042459;

45. Proposed Strategy for Accelerated Payment Plan letter to Jacqueline M. Thoresz from Rebecca H. Greene dated 12/03/1993 - Bates MP4011003488;

46. A Proposed Strategy for the Accelerated Payment Plan (APP) dated 11/18/1993 - Bates MP4011003489 .. MP4011003498;

47. A Proposed Strategy for the Accelerated Payment Plan (APP) by Wilhelmenia Taylor

and Jacqueline Thoresz 11/18/93 letter dated 12/03/1993 - Bates M059701650939 - M059701650950;

48. Update on the APP Proposal letter dated 12/28/1993 - Bates M059701650926";

43. Accelerated Payment Plan release dated 01/03/1994 - Bates M059701650495 - M059701650496;

44. Letter Regarding Proposed Strategy for APP dated 1/11/94 - Bates MP4011145513;

45. "Update on the APP Proposal - letter dated 12/28/1993 - Bates M059701650927 - M059701650929

46. J. L. Rayl letter to Robert J. Crimmins, dated 01/19/1994 - Bates MP4011070354 - MP4011070359;

47. Request from Mr. Tweedie Concerning UL Customers with Target Premiums Inadequate to Carry Policies letter dated 04/11/1994 - bates MP4011003103 - MP4011003104;

48. The MetLife Sales Practices Guide - Pennsylvania - Bates M069705340031 - M069705340048;

49. Re: AP Illustrations - letter to Darlene from Cheryl dated 7/19/94 - Theresa Hornsby called to tell me there is definitely a problem with the cash value being guaranteed and she is going to pursue the problem with Marketing, etc. - Bates M069702250267;

50. Vanishing Premium letter from Greg Doby dated 08/02/1994 - Bates M069700100662 - M069700100688;

51. Comments on Draft AP brochure doc dated 08/24/1994 - Bates M059701651128 - M059701651140;

52. Letter from Jim Rayl to the Vice-President of Personal Insurance customer service

Re: Customer Complaint - Changing Dividend Basis dated September 29, 1994 - bates MP4011071016;

53. Accelerated Pay Paid to Dated Errors eMail dated 12/24/94 during Processing of Dec 20th - Bates M069702250415;

54. Status of AP Natural Work Team Project and Update on UL I Natural Work Team Projects letter dated 12/30/1994 - Bates M059701242899 - M059701242900;

55. Letter from Jim Rayl to the Senior Business Systems Consultant: Traditional Portfolio and Dividends for the Personal Insurance line of business dated January 3, 1995 - bates MP4011071008;

56. Accelerated Payment and UL I note dated 01/10/1995 - Bates MP4011003105;

57. Accelerated Payment and UL I Notification Status letter dated 12/21/1994 - Bates MP4011003106;

58. AP Arrangement - about notification of policyholders letter dated 01/11/1995 - Bates M069702251058 - M069702251062;

59. Consumer Education Program for APP Arrangement letter dated 02/07/1995 - Bates MP4011003093;

60. Accelerated Payment (AP) arrangements Memorandum dated 02/08/1995 - Bates MP4011003107 - MP4011003108;

61. AP Arrangement Proposals letter dated 2/19/1995 - bates MP4011003109 - MP4011003110;

62. Accelerated Payment (AP) Arrangement letter dated 05/01/1998 - Bates MP4011003100 - MP4011003101;

63. Accelerated Payment - Customer Feedback Survey results dated 06/15/1995 - Bates MP4011159913; MP4011159915 -MP4011159917; MP4011159920; MP4011159922; MP4011159924; MP4011159926; MP4011159930; MP4011159940; MP4011159942; MP4011159948; MP4011159952; MP4011159956; MP4011159962; MP4011159978; MP4011159984; MP4011160006;

64. Vanishing Premium Letter to Anthony C. Cannatella, Exec VP NYHO from Lawrence Brewster Mktg VP Northeastern Terr. dated 09/01/1995 - Bates M059701650621 - M059701650622;

65. Accelerated Payment Arrangement (AP) Option Program letter to The Field Force from Joseph W. Jordan, Sr VP dated 08/18/1997 - Bates MP4011003111 - MP4011003120;

66. 1987 Dividend Scales - Personal Life Insurance and Annuities Met Life Ins Co release dated 01/12/1987 - Bates MP4011004190 - MP4011004191;

67. 1987 Portfolio - Illustrative Dividends letter dated 10/09/1986 - Bates MP4011004188 - MP4011004189;

68. History of Deferred Income Assets dated 07/01/1987 - Bates MP4011004201 .. MP4011004217;

69. "Ordinary Life Insurance - Proposed 1988 U.S. Dividend Scales Memorandum dated 07/09/1987 - Bates MP4011004192 - MP4011004200;

70. 1988 U. S. Ordinary Dividend Scale letter dated 10/23/1987 - Bates MP4011003849 - MP4011003850;

71. Appendix B - Market the Product not the Illustration DRAFT Release dated 05/1988 - Bates MP4011004225 - MP4011004232;



72. Major Issues - Preliminary Dividend Recommendations 1989 Scale Memorandum dated 05/24/1988 - Bates MP4011003859 - MP4011003867;

73. 1990 Dividend Recommendations - Personal Lines of Business - Preliminary Proposal letter dated 05/31/1988 - Bates M099717300577 - M099717300578;

74. Background Memorandum 1989 Dividend Proposals dated July 24, 1988 - bates M019817630445 - M019817630452;

75. Major Pros and Cons regarding a dividend reduction for 1990 letter dated 05/30/1989 - Bates MP4011003868 - MP4011003869;

76. Preliminary Dividend Recommendations 1990 Dividend Scales - United States Business letter dated 07/12/1989 - Bates MP4011003870 - MP4011003873;

77. Preliminary Dividend Recommendations 1990 Dividend Scales - United States Business letter dated 07/13/1989 - Bates MP4011003874 - MP4011003878;

78. Schedule M from the Annual Statement for the Year 1989 - Bates MP925000000850 - MP925000000854;

79. Final Dividend Recommendation 1990 Scales 03/1990 draft - Bates M019817630062 - M019817630067;

80. Increase in Withdrawals From Dividend Balances Memorandum dated 03/22/1990 - Bates MP4011003835;

81. 1990 Dividend Scale - Question-and-Answer Guide letter dated 04/06/1990 - Bates M109734240129 - M109734240131;

82. 1991 Dividend Recommendations letter dated 05/07/1990 - Bates MP4011003879 - MP4011003883;

83. Preliminary Recommendations ....letter date 06/07/1990 - Bates MP4011003884 - MP4011003886;

84. US PLI 1991 Dividend Scales letter dated 06/11/1990 - Bates MP4011003887 - MP4011003892;

85. 1991 Dividend Scales - Preliminary Discussion Points Memorandum dated 05/10/1991 - Bates MP4011003893 - MP4011003898;

86. Minutes from Chairman's Planning Board Meeting dated 07/01/1991 - Bates MP925000014218 -MP925000014224;

87. Personal Insurance Dividends letter dated 10/15/1991 - Bates MP4011003899;

88. 1992 Dividend Scales for Personal Insurance and Annutites letter dated 10/15/1991 - Bates MP4011003900 - MP4011003907;

89. History of MetLife's Ordinary Annual Dividend Scales - bates M129740290134 - M129740290137;

90. MetLife's Historical Credited Dividend Rates dated April 11, 1994 - bates M069702170274 - M069702170276; MP925000296367;

91. A Chart Comparing MetLife's Historical Credited and Illustrated Dividend Rates By Year - developed from Bates M0697021270274 - M069702120276 and MP925000296367;

92. Sales Illustrations - Explanation Page - Bates MP4011003082;

93. Memorandum from Anthony C. Cannatella to Field Force Re: 1996 Dividend Scale dated October 25, 1995. - Bates M059701060025;

94. Re: A report "A Proposed Strategy for the Accelerated Payment Plan (APP) Bates No. M069702320835-M069702320844.

95. Memo from L. Michelle Ligon, J.D., Manager, Advanced Sales & Consulting Services, Metropolitan Life Insurance Company to Southeastern Associates, Dated January 5, 1989, (Bates No. M821100440650);

96. Deposition Transcript of Wilhelmenia Taylor in Ihnat v. Metropolitan Life Insurance Company, et al. dated September 25, 2002 and all exhibits thereto;

97. Deposition Transcript of Wilhelmenia Taylor in Ihnat v. Metropolitan Life Insurance Company, et al. dated September 26, 2002 and all exhibits thereto;

98. Deposition Transcript of Wilhelmenia Taylor dated October 1, 2002 in Inhat v. Metropolitan Life Insurance Company, et al. and all exhibits thereto;

99. VHS Tape-Metro News, September 1988 (Bates No. M8227000100010022)

100. VHS Tapes MetLife News Volume I 1986 (Bates No. M824201520048)

101. VHS Tapes MetLife APP Research-Four Focus Groups (Bates No. MP0004026568)

102. December 19, 1997, Letter from Daniel F. Harrigan, Program manger, Market Conduct Division, State of Connecticut to Harry P. Kamen, Bates No. MP925000316310-311.

103. State of Connecticut Insurance Department Stipulation and Consent Order, Bates No. MP925000229200-207.

104. November 29, 1993 Memorandum from Mike Levine to Anthony Amodeo, Bates No. MP92500075172-174.

105. Chart of Recently Closed, Open or Upcoming Investigations of Metropolitan Life, Bates No. MP925000170486-487.

106. Chart of MetLife State Fines and Forfeitures 2000, Bates No. MP925000327415-416.

107. MetLife Corporate Internal Audit - Individual Business - Ethics and Compliance

Bates No. MP925000017436-440.

108. MetLife Corporate Internal Audit - Audit of Policy Illustrations Compliance Bates No. MP925000156670-675

109. "MetLife Enhanced Ethics and Compliance Program Status Report dated January 1995 - Bates M933400010028 .. M933400010040"

110. Business Ethics Project Preliminary Report for MetLife Personal Insurance October 3, 1990 Revised October 9, 1990 by Beverly Loy Taylor - Bates No. MP4011145057 - MP4011145067

111. Business Ethics Project for MetLife Personal Insurance November 7, 1990 by Beverly Loy Taylor - Bates No. MP4011145015 .. MP4011145028

112. James L. Rayl Personal Insurance Development Review for 1991 - Bates No MP4011069740 .. MP4011069741

113. 1992 Accomplishments & Programs Customer Services & Communications, MetLife Customer Service Center - Tulsa - Bates MP4011069726 .. MP4011069739;

114. Deposition of James L. Rayl in James L. Rayl vs. Metropolitan Life Insurance Co., Inc. taken on February 25, 1998 - bates MP4011069546 through MP4011071493 including exhibits 1 through 54

115. Deposition of James L. Rayl in James L. Rayl vs. Metropolitan Life Insurance Co., Inc. taken on April 13, 1998 - bates MP4011050061 through MP4011050078 including exhibits 55 through 58 - bates MP4011103537 through MP4011103564;

116. Letter from B. John Pendleton, Jr, McCarter and English to Kenneth R. Behrend dated September 9, 2006 regarding MetLife's net worth;

117. Letter from Penelope Taylor, McCarter and English to Kenneth R. Behrend dated March 1, 2004 regarding MetLife's net worth;

118. All Exhibits listed in Defendants' Trial Exhibit List

**WITNESSES**

1. A representative of Metropolitan Life who can authenticate any documents provided by Metropolitan Life to Plaintiff in discovery as business records produced by Metropolitan Life to Plaintiffs
2. Robert Wyckoff  
505 Heritage Lane  
Murrysville, PA 15668
3. Kenneth Kaczmarek  
c/o B. John Pendleton, Jr., Esquire  
McCARTER & ENGLISH, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07101-0652
4. Beverly Loy Taylor  
5747 Woodmont Street  
Pittsburgh, PA 15217
5. James L. Rayl  
1824 South Gardenia Ave.  
Broken Arrow, OK 74012
6. Wilhelmenia J. Taylor  
c/o Metropolitan Life Insurance Company  
New York, NY

**EXPERT WITNESS**

1. Robert Carter  
130 Dorsey Station Road  
Louisville, KY 40223

Respectfully submitted,  
BEHREND AND ERNSBERGER, PC

/s/Kenneth R. Behrend  
Kenneth R. Behrend  
Pa. ID No. 37961  
BEHREND AND ERNSBERGER, PC  
306 Fourth Avenue Suite 300  
Pittsburgh, PA 15222  
(412) 391-2515  
(412) 391-2762 (facsimile)

**CERTIFICATE OF SERVICE**

I, Kenneth R. Behrend hereby certify that a true and correct copy of the foregoing Plaintiff's Trial Exhibit List has been served upon all counsel of record by U.S. first-class mail, postage pre-paid or hand delivery on this 27<sup>th</sup> day of September, 2006, to the following:

B. John Pendleton, Jr., Esquire  
McCARTER & ENGLISH, LLP  
Four Gateway Center  
100 Mulberry Street  
P.O. Box 652  
Newark, NJ 07101-0652

/s/Kenneth R. Behrend  
Kenneth R. Behrend  
Pa. ID No. 37961  
BEHREND AND ERNSBERGER, PC  
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